

to the fact that their elected officials are unwilling to act.

There are no excuses left. This happened in a State that is flooded with guns. There was armed security at the school and still 19 kids and two teachers are dead, still their families are broken. No excuses.

Perhaps that is why I have heard multiple Republicans say today that there is nothing you can do to stop the shootings; that they are just going to happen. That is the way it is. They are going to happen regardless.

I just believe with all my being that is just nonsense, and it is ridiculous coming from so many Senators who haven't lifted a finger to do anything about the violence.

My wife always says I am a glass-half-full guy. I try to be positive, always about bringing the two sides together. But on this issue, I don't know what else to say. The truth is that if we act, then maybe—maybe—it will be possible to prevent another massacre in another school. That should be enough. That should be enough.

The 100 of us here in the Senate are the ones with the power to act—not anybody else. It is about us. So, Senators, we have got a choice, either we can choose to act on moral courage or just let the fear and hopelessness win out. As far as I am concerned, if you don't have the moral courage to act here on the Senate floor or at least try to prevent more of these massacres, then you ought to hang it up, go home, and let somebody else have the job.

#### NOMINATION OF SAMUEL R. BAGENSTOS

Mr. President, let me turn now to the nomination we will be voting on in a few moments, Samuel Bagenstos, to serve as general counsel of the Department of Health and Human Services.

Just a few words on why the Senate ought to support the nomination. He is an experienced public servant, an accomplished lawyer and educator. He currently serves as general counsel to the Office of Management and Budget. He previously served as Principal Deputy Assistant Attorney General for Civil Rights. He has been a leader in the State of Michigan on the issue of workers' rights. He has argued cases before the Supreme Court. He is a highly respected law professor on leave from the University of Michigan.

He has got the experience to serve as HHS general counsel and the right outlook on what public service in the law is all about. I am particularly pleased that he has been a crusader for the rights of Americans with disabilities. He has argued cases before the Court on the subject. He literally wrote the book—the most prominent law school casebook—on disability rights law.

During the Finance Committee hearing on his nomination, he talked about how that experience and perspective will guide his work in the Department if he is confirmed. I am sure pleased to see somebody like this attracted to public service, protecting vulnerable people—people who fall between the

cracks all too often, all too often. That is the key to improving the health and well-being of all Americans.

This nominee, Mr. Bagenstos, is the right choice for Health and Human Services general counsel. He is highly qualified, deserving of broad support. We will be voting on his nomination in a few minutes. I urge all Senators to support this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thanks, Mr. President. I always enjoy following my friend from Oregon who has done such important work on tax and trade law and Medicare and Medicaid and everything since his career began as a young Gray Panther.

#### NOMINATION OF TODD M. HARPER

Mr. President, I urge my colleagues to support Todd Harper's nomination. He came out of my and Senator SMITH's and the Presiding Officer Senator OSSOFF's committee to be Chairman of the National Credit Union Administration.

Mr. Harper is an experienced regulator. He has the background, knowledge, and leadership experience to safeguard the credit union system, a very important component of our financial system, and to protect millions of credit union members.

We know that credit unions, more than Wall Street banks, really look out for the little guy and regular people and people who are, you know, mostly solidly middle class or aspiring to the middle class.

A career public servant with midwestern roots, Todd Harper understands the vital role that credit unions play in local communities, especially rural and underserved communities.

Being the first openly gay leader of any Federal financial regulatory Agency, the first NCUA career staff member to serve on the NCUA Board, he brings a vitally important perspective. We know that prior to this President taking over and my becoming chair of the Banking, Housing, and Urban Affairs Committee, we know most of the Federal regulators look like me and walk like Wall Street. Those days are behind us. Another reason for Todd Harper's nomination to NCUA.

Throughout his career as an NCUA Board member and Chair, he has worked with both parties. He has worked for advocates and industry to strengthen credit unions to fight for consumers. In 2019, the Senate confirmed Mr. Harper by voice vote to the three-member NCUA Board. In 2021, President Biden designated him as Chair.

As Chair of the NCUA, he has worked with his fellow Board members to advance bipartisan efforts on important issues facing credit unions and their members, like digital assets and emergency capital investment.

Prior to serving on the Board, he was Director of the Office of Public and Congressional Affairs. He was Chief

Policy Advisor to former Chairs Deborah Matz and Rick Metzger.

Mr. Harper previously served as a staffer in the House of Representatives, as staff director for the Subcommittee on Capital Markets.

If confirmed, he will continue to work collaboratively. It is what we ask him to do, to represent all taxpayers to ensure that our credit union system is safe, sound, and works for all its members.

Mr. President, I encourage my colleagues to support the nomination of Todd Harper.

I yield the floor.

#### VOTE ON FREY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Frey nomination?

Ms. DUCKWORTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from Oregon (Mr. MERKLEY), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), and the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 51, nays 43, as follows:

#### [Rollcall Vote No. 205 Ex.]

##### YEAS—51

Baldwin	Gillibrand	Peters
Bennet	Hassan	Portman
Blumenthal	Heinrich	Reed
Booker	Hickenlooper	Rosen
Brown	Hirono	Sanders
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Collins	Lujan	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Warner
Cramer	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Whitehouse
Feinstein	Padilla	Wyden

##### NAYS—43

Barrasso	Hawley	Rounds
Blackburn	Hoeben	Rubio
Blunt	Hyde-Smith	Sasse
Boozman	Inhofe	Scott (FL)
Braun	Johnson	Scott (SC)
Capito	Kennedy	Shelby
Cassidy	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Lummis	Tillis
Daines	Marshall	Toomey
Ernst	McConnell	Tuberville
Fischer	Moran	Wicker
Graham	Paul	Young
Grassley	Risch	
Hagerty	Romney	

##### NOT VOTING—6

Cornyn	Manchin	Murkowski
Cruz	Merkley	Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KELLY). Under the previous order, the